

10-15-01

A

Practitioner's Docket No. 019603-002861

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Maureen R. Hanson and Carol Hamilton
Serial No.: Not yet assigned (Prov. Appl. No. 60/241,688)
Filed: Herewith (October 19, 2000)
For: BINARY BAC VECTOR AND USES THEREOF
Group No.: Not yet assigned
Examiner: Not yet assigned

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the united States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

12 October 2001
Date

Nicole M. Gignac
(type or print name of person mailing paper)

Signature of person mailing paper

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

1. Type of Application

This new application is for a(n)

(check one applicable item below)

- [X] Original (nonprovisional)
[] Design
[] Plant
[] Divisional.
[] Continuation.
[] Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

37 C.F.R. section 1.78(a)(1).

- [X] The new application being transmitted claims the benefit of prior U.S. application(s).
Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE
BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed

A. Required for Filing Date under 37 C.F.R. section 1.53(b) (Regular) or 37 C.F.R. section 1.153 (Design) Application

29 Pages of Specification
7 Pages of Claims
2 Sheets of Drawings

10/12/01
31052 U.S. PTO

10/12/01
31000 U.S. PTO
09/976687

09/976687

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(complete the following, if applicable)

☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. section 1.84(b).

☐ Formal

☐ Informal

B. Other Papers Enclosed

____ Pages of declaration and power of attorney

 1 Pages of Abstract

____ Other

4. Additional Papers Enclosed

☐ Amendment to claims

☐ Cancel in this applications claims _____ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

☐ Preliminary Amendment

☐ Information Disclosure Statement (37 C.F.R. section 1.98)

☐ Form PTO-1449 (PTO/SB/08A and 08B)

☐ Citations

☐ Declaration of Biological Deposit

☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative

☐ Special Comments

☐ Other

5. Declaration or Oath (including power of attorney)

☐ Enclosed

Executed by

(check all applicable boxes)

☐ inventor(s).

☐ legal representative of inventor(s). 37 C.F.R. section 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

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☐ This is the petition required by 37 C.F.R. section 1.47 and the statement required by 37 C.F.R. section 1.47 is also attached. See item 13 below for fee.

☒ Not Enclosed.

☐ Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).

(The declaration or oath, along with the surcharge required by 37 C.F.R. section 1.16(e), can be filed subsequently).

☐ Showing that the filing is authorized.
(not required unless called into question. 37 C.F.R. section 1.41(d))

6. Inventorship Statement

The inventorship for all the claims in this application are:

☐ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

7. Language

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. section 1.52(d).

8. Assignment

☐ An assignment of the invention to _____

☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

☒ will follow.

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9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. no.	Filed
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from which priority is claimed

- ☐ is (are) attached.
☐ will follow.

10. Fee Calculation (37 C.F.R. section 1.16)

A. ☒ Regular application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. section 1.16(a) \$370.00 Total Claims (37 C.F.R. section 1.16(c))
	39	20	19	\$ 9.00	\$171.00
Independent Claims 4 (37 C.F.R. section 1.16(b))		- 3 = 1	x	\$ 42.00	\$ 42.00
Multiple Dependent Claim(s), if any (37 C.F.R. section 1.16(d))	✓		+	\$ 140.00	\$140.00

- ☐ Amendment cancelling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

B. ☐ Design application
 (\$310.00--37 C.F.R. section 1.16(f))
 Filing Fee Calculation \$ 723.00

C. ☐ Plant application
 (\$480.00--37 C.F.R. section 1.16(g))
 Filing Fee Calculation \$ _____

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11. Small Entity Statement(s)

Applicant asserts Small Entity status pursuant to (37 C.F.R. 172).

12. Request for International-Type Search (37 C.F.R. section 1.104(d))

(complete, if applicable)

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

- ☒ Not Enclosed

- ☒ No filing fee is to be paid at this time.
(This and the surcharge required by 37 C.F.R. section 1.16(e) can be paid subsequently.)

- ☐ Enclosed

- ☐ Filing fee \$ _____

- ☐ Recording assignment
(\$40.00; 37 C.F.R. section 1.21(h))
(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION.") \$ _____

- ☐ Petition fee for filing by other
than all the inventors or person
on behalf of the inventor where
inventor refused to sign or cannot
be reached
(\$130.00; 37 C.F.R. sections 1.47 and 1.17(I)) \$ _____

- ☐ For processing an application with a
specification in a non-English language
(\$130.00; 37 C.F.R. sections 1.52(d) and 1.17(k)) \$ _____

- ☐ Processing and retention fee
(\$130.00; 37 C.F.R. sections 1.53(d) and 1.21(I)) \$ _____

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☐ Fee for international-type search report
(\$40.00; 37 C.F.R. section 1.21(e)) \$ _____

Total Fees Enclosed \$.00

14. Method of Payment of Fees

☐ Check in the amount of \$ _____.
☐ Charge Account No. _____ in the amount of \$ _____.
A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-0850.

☐ 37 C.F.R. section 1.16(a), (f) or (g) (filing fees)
☐ 37 C.F.R. section 1.16(b), (c) and (d) (presentation of extra claims)
☐ 37 C.F.R. section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
☐ 37 C.F.R. section 1.17(a)(1)-(5) (extension fees pursuant to section 1.136(a)).
☐ 37 C.F.R. section 1.17 (application processing fees)
☐ 37 C.F.R. section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. section 1.311(b))

16. Instructions as to Overpayment

☒ Credit Account No. 50-0850.
☐ Refund

Date: October 12, 2001

Customer No.: 26770

Respectfully submitted,



David S. Resnick (Reg. No. 34,235)
Lana A. Shvartsman (Reg. No. 48,502)
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(617) 345-6057

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☒ **Incorporation by reference of added pages**

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added 4

☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____

☐ Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added _____

☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

☐ **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

☐ This transmittal ends with this page.

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ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATION(S) CLAIMED

17. Relate Back

(complete the following, if applicable)

[X] Amend the specification by inserting, before the first line, the following sentence:

A. 35 U.S.C. section 119(e)

[X] "This application claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:

FILING DATE

60 /241,688
/

October 19, 2000
"

B. 35 U.S.C. sections 120, 121 and 365(c)

[] "This application is a

[] continuation

[] continuation-in-part

[] divisional

of copending application(s)

[] application number 0 / filed on

[] International Application filed on and which
designated the U.S."

[] "The nonprovisional application designated above, namely application
/ filed, claims the benefit of
U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:

FILING DATE

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_____/_____
_____/_____

☐ Where more than one reference is made above please combine all references into one sentence.

18. Relate Back--35 U.S.C. section 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country: Application No.: Filed:

The certified copy(ies) has (have)

☐ been filed on _____, in prior application 0 / _____, which was filed on _____.

☐ is (are) attached.

19. Maintenance of Copendency of Prior Application

A. ☐ Extension of time in prior application

(This item must be completed and the papers filed in the prior application, if the period set in the prior application has run.)

☐ A petition, fee and response extends the term in the pending prior application until _____.

☐ A copy of the petition filed in prior application is attached.

B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

☐ A conditional petition for extension of time is being filed in the pending prior application.

☐ A copy of the conditional petition filed in the prior application is attached.

20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

(complete applicable item (a), (b) and/or (c) below)

(a) ☐ This application discloses and claims only subject matter disclosed in the prior application

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whose particulars are set out above and the inventor(s) in this application are

☐ the same.

☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

(type name(s) of inventor(s) to be deleted)

(b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are

☐ the same.

☐ the following additional inventor(s) have been added:

(type name(s) of inventor(s) to be deleted)

(c) ☐ The inventorship for all the claims in this application are

☐ the same.

☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made

☐ is submitted.

☐ will be submitted.

21. Abandonment of Prior Application (if applicable)

☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

(check the next item, if applicable)

☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

23. Small Entity (37 C.F.R. section 1.28(a))

(Added Page for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed)

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1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2

24. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

☐ continuation
☐ continuation-in-part
☐ divisional

(Added Page for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed)
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J1052 U.S. PTO

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J1000 U.S. PTO
09/976687
10/12/01

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

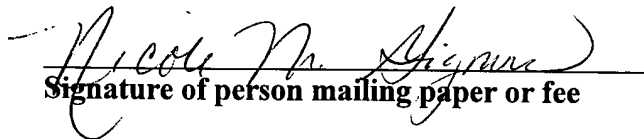
"Express Mail" label number: EL565098926US
Date of Deposit: 12 October 2001

I hereby state that the following *attached* papers and fees:

1. New Application Transmittal (7 pgs);
2. Added Pages (4 pgs);
3. Utility Patent Application (39 pgs): Specification - 29 pgs; Claims - 7 pgs; Figures - 2 pgs; and Abstract - 1 pg;
4. Return Receipt Postcard;

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Nicole M. Gignac


Signature of person mailing paper or fee

09/976687 404231